REMARKS

Reconsideration and allowance of this application are respectfully requested.

Claims 1-55 are pending and at issue in this application. The Office has identified the following patentably distinct inventions (Groups I-VIII):

Group I: claims 1-11, drawn to a method for preparing a compound of formula I, classified in class 544, various subclasses;

Group II: claims 12-17, drawn to a method for preparing a compound of formula 23, classified in class 544, various subclasses;

Group III: claims 18-29, drawn to a method for preparing a compound of formula 29, classified in class 544, various subclasses;

Group IV: claims 30-33, drawn to a method for preparing a compound of formula 46, classified in class 544, various subclasses;

Group V: claims 34-44, drawn to a method for preparing a compound of formula 47, classified in class 544, various subclasses;

Group VI: claims 45-51, drawn to a method for preparing a compound of formula 48, classified in class 544, various subclasses;

Group VII: claim 52, drawn to compounds of formula 49, classified in class 544, various subclasses; and

Group VIII: claims 53-55, drawn to compounds of formula 45, classified in class 544, various subclasses.

In addition, the Examiner has requested that Applicant elect a single species for prosecution.

Applicants provisionally elect, with traverse, Group I (claims 1-11), drawn to a method for preparing a compound of formula I. In addition, Applicant elects the species of Example 7, N-[4-(3-chloro-4-fluoro-phenyl-amino)-7-(3-morpholin-4-yl-propoxy)-quinazolin-6-yl]acrylamide. Applicant reserves the right to file one or more divisional applications directed to the non-elected subject matter in this application.

The Office alleges that the inventions of Groups I-VIII are unrelated as distinct processes with different starting materials, reagents and reaction steps.

Applicants traverse the Office's rejection on the grounds that it is improper and an abuse of discretion because prosecution of the restricted subject matter in one application would not place a serious burden on the Examiner. M.P.E.P. § 803. According to M.P.E.P. § 803 the Examiner can only restrict patentably distinct inventions when (1) the inventions are independent or distinct as claimed **and** (2) where there is a serious burden on the Examiner if restriction is not required.

Applicants respectfully submit that the Office has made no showing that prosecuting the claims of the invention in one application would be burdensome. Applicants therefore submit that the Office's requirement of restriction is improper.

Applicants submit that the prosecution of Groups I-VIII in the same application would not be burdensome because the Examiner would be required to search the same class in order to determine patentability of each Group.

CONCLUSION

In view of the above, Applicants submit that the restriction requirement is improper and respectfully requests that the Office withdraw the restriction requirement.

Respectfully submitted,

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